

Remarks

This amendment is in response to the Office Action mailed on January 4, 2005. Claim 14 and the abstract are being amended. In view of the following remarks and above amendments, Applicant respectfully requests reconsideration and allowance of claims 1-39.

In the Office Action, the drawings were objected because elements 72 and 74 are not shown in the proper cross-hatching, as required in MPEP §608.02. Formal drawings including corrections in compliance with 37 CFR 1.121(d) accompany this amendment. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

In the Office Action, Applicant was reminded that the Abstract should not exceed 150 words. The Abstract is being amended so as not to exceed 150 words in length.

In the Office Action, claim 14 is objected to for failing to provide antecedent basis for "said through hole." Claim 14 is being amended to correct this error. Accordingly, withdrawal of the objection to claim 14 is respectfully requested.

In the Office Action, claims 1, 2, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Ely et al. (U.S. Pat. No. 5,161,838). Ely et al. discloses a locking assembly including a housing member having a bore formed therein. The bore is open at one end and closed at an opposing end. A stud member including a head portion and a shank portion joined by a separable portion is received in the bore through the open end. Upon separation of the head portion and the shank portion, the shank portion can be removed with difficulty only by pulling it back through the open end of the bore. As a result, the locking assembly disclosed in Ely et al. is typically used only once and discarded.

The invention claimed in claims 1, 2, and 13 includes a housing member having a throughhole with an insertion end and an exit end. Upon separation of the head portion and the shank portion, the shank portion is removed by passing through the exit end of the throughhole. As a result, the locking assembly claimed in claims 1, 2, and 13 is easily reused by providing a new stud member (See paragraph [0044]).

The office Action asserts that Ely et al. discloses a "housing member (2) having a through hole (4) formed therethrough, the through hole having an insertion end (figure 2) and an exit end (22)". Applicant respectfully disagrees. Reference number 4 in Ely et al. refers to a body portion of the housing member 2. Moreover, the bore having a closed end in Ely et al. is designated by reference number 8 and defined as a cavity having a single opening 22.

Clearly, the cavity is not a throughhole having both an insertion end and an exit end, as claimed in claims 1, 2, and 13. Therefore, Ely et al. cannot anticipate claims 1, 2, and 13. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 2, and 13 under 35 U.S.C. §102(b).

In the Office Action, claims 3-12 and 14-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ely et al., as applied to claims 1, 2, and 13, and further in view of Mattress, Jr. (U.S. Pat. No. 4,226,102). Mattress, Jr. teaches a seal for use with a locking pin. The seal includes a wire that passes through a transverse hole formed through the locking pin body an axial distance from a head of the locking pin. The seal does not cover the head of the locking pin.

Claims 3-12 depend from claim 1 which is believed patentable over Ely et al., as discussed above. Mattress, Jr. does not disclose or suggest the deficiencies in Ely et al. Accordingly, claims 3-12 are believed patentable over Ely et al., as applied to claims 1, 2, and 13, and further in view of Mattress, Jr.

Claim 14 includes the limitation of a seal covering a head portion of the stud member, such that the seal is permanently deformed upon breaking of the separable portion of the stud member. As discussed above, Mattress, Jr. does not teach a seal that covers the head portion of a stud member. Moreover, even if the seal disclosed in Mattress, Jr. is used with the stud member of Ely et al., as suggested in the Office Action, breaking the separable portion of the stud member would not permanently deform the seal. In fact, the separable portion of the stud member could be broken without even disturbing the seal disclosed in Mattress, Jr. Therefore, the combination of Ely et al. and Mattress, Jr. does not disclose or suggest the invention claimed in claim 14 of the present application. Claims 15-26 depend from claim 14. Accordingly, claims 14-26 are believed patentable over Ely et al., as applied to claims 1, 2, and 13, and further in view of Mattress, Jr.

Claim 27 includes the limitation of a ring member having a ring axis and adapted to fit about a cover portion of a meter, said ring member having first and second ends, a first member extending from said first ring member end including a leg with a first hole formed therethrough, and a second member extending from said second ring member end including a second leg with a second hole formed therethrough, said first and second legs extending generally parallel to each other in an overlapping arrangement, such that said first and second

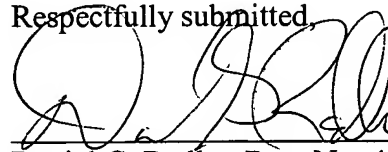
holes are aligned and have axes substantially parallel to said ring axis. The Office Action acknowledges that Ely et al. does not satisfy this limitation, and asserts that Mattress, Jr. teaches "a ring member (15) to fit about a cover portion of a meter, where the through holes (37) of the ring member are parallel to the axis of the ring. Applicant respectfully disagrees.

The through hole 37 disclosed in Mattress, Jr. is actually a single bore extending through a housing 17 (See col. 4, lines 15 and 16 of Mattress, Jr.) and cannot be construed as a first hole formed through a first member extending from said first ring member end and a second hole formed through a second member extending from said second ring member end. Moreover, in Mattress, Jr. one end 23 of the ring member 15 does not even include a member extending from the ring member one end, and a hole 25 formed through the one member end 23 has an axis that is not parallel to the ring axis (See col. 3, lines 50-52 and Fig. 4 of Mattress, Jr.). Claims 28-39 depend from claim 27. Accordingly, claims 27-39 are believed patentable over Ely et al., as applied to claims 1, 2, and 13, and further in view of Mattress, Jr.

As discussed above, claim 1, 14, and 27 are believed patentable over Ely et al., as applied to claims 1, 2, and 13, and further in view of Mattress, Jr. Claims 3-12, 15-26, and 28-39 depend from one of claims 1, 14, and 27. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 3-12, 14-39 under 35 U.S.C. §103(a).

In view of the above remarks and amendment to claim 14, Applicant respectfully requests reconsideration and allowance of claims 1-39. No additional fees for filing this response are believed to be due. However, if such fees are due, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,



Daniel G. Radler, Reg. No. 43,028
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Tel. No. (414) 277-5000